

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD STOCKMYER,

Plaintiff,

v.

ADMIRE, KLEPS, CANE, JULIE  
SMITH, MICHAEL HOTLHE,

Defendant.

CASE NO. 3:16-CV-05681-RBL-DWC

ORDER DIRECTING PLAINTIFF TO  
FILE AMENDED COMPLAINT

Plaintiff Donald Stockmyer, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint under 42 U.S.C. § 1983. Presently pending in this action is Defendants' Motion for a More Definite Statement and Plaintiff's Motion to Amend. Dkt. 15, 18. After reviewing the Motions, Plaintiff's Motion to Amend is granted and Defendants' Motion for a More Definite Statement is denied as moot.

**I. Motion to Amend (Dkt. 18)**

On October 10, 2016, Defendants filed a Motion for a More Definite Statement requesting Plaintiff be directed to file an amended complaint. *See* Dkt. 15. Plaintiff filed a Motion to Amend seeking permission to add a defendant to his Complaint on October 26,

1 2016. *See* Dkt. 18. In the Response to the Motion to Amend, Defendants state they have no  
2 objection to Plaintiff filing an amended complaint. Dkt. 20 However, Defendants request  
3 Plaintiff be required to file an amended complaint which includes all the alleged  
4 constitutional violations and completely replaces the Complaint. *Id.*

5 Accordingly, Plaintiff's Motion to Amend is granted. Plaintiff is directed to file an  
6 amended complaint and within the amended complaint, he must write a short, plain statement  
7 telling the Court: (1) the constitutional right(s) Plaintiff believes was violated; (2) the name of  
8 the person who violated the right(s); (3) exactly what the individual did or failed to do; (4) how  
9 the action or inaction of the individual is connected to the violation of Plaintiff's constitutional  
10 right(s); and (5) what specific injury Plaintiff suffered because of the individual's conduct. *See*  
11 *Rizzo v. Goode*, 423 U.S. 362, 371–72, 377, 96 S.Ct. 598, 46 L.Ed.2d 561 (1976).

12 Plaintiff shall present the amended complaint on the form provided by the Court. The  
13 amended complaint must be legibly rewritten or retyped in its entirety, it should be an original  
14 and not a copy, it should contain the same case number, and it may not incorporate any part of  
15 the original Complaint by reference. The amended complaint will act as a complete substitute for  
16 the original Complaint, and not as a supplement. The original Complaint and any filings  
17 attempting to add claims to the original Complaint will be considered non-existent.

18 Plaintiff must file the amended complaint by December 15, 2016. The Clerk is directed  
19 to send Plaintiff a 42 U.S.C. § 1983 civil rights complaint form.

## 20 **II. Motion for a More Definite Statement (Dkt. 15)**

21 In the Motion for a More Definite Statement, Defendants request the Court order  
22 Plaintiff to file an amended complaint which furnishes more information. Dkt. 15. As the  
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1 Court has granted Plaintiff's Motion to Amend and ordered Plaintiff to file an amended  
2 complaint, Defendants' Motion for a More Definite Statement is denied as moot.

3 Dated this 15th day of November, 2016.

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6 David W. Christel  
7 United States Magistrate Judge  
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